(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1884 /2001

PETITIONER : Ghanshyam Dwivedi,
Aged about 60 years,
S/oLate Shri Ram Naresh Dwivedi,
Retired Compounder.
R/o Lal Bagh Sindhi Colony,
Street No.2, Rajnandgaon.

- Versus-

RESPONDENTS : 1.Municipal Corporation
Through its Chief Executive Officer,
Rajnandgaon.

2. Director,
Local Self Government,
Raipur.

P. R. No. 2025/01
Presented by Shri Gurmeet Singh
dated 25.9.01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION FOR ISSUANCE OF A WRIT OF CERTIORARI, MANDAMUS, PROHIBITION OR ANY OTHER SUITABLE WRIT, ORDDER OR DIRECTION.

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(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1884/01 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12-09-2006 Shri Vinay Pandey, learned counsel for the petitioner. Shri Anand Shukla, learned counsel for respondent No.1. Shri Sandeep Yadav, learned Dy. Govt. Advocate for the State/ respondent No.2. Arguments heard. Order dictated as follows. **ORAL ORDER** The petitioner is a retired employee of Municipal Corporation, Rajnandgaon. Earlier he was retired on 30-6-1998, after completion of his age of superannuation of 58 years. Thereafter, by another order dated 13-8-1998, the petitioner was given re-employment for a further period of one year and this period of one year has ended on 24-8-1999. Thereafter the pension case of the petitioner was finalized and ultimately, the impugned order Annexure-P/6, which is the final order dated 3-3-2001 pertaining to the fixation of pension of the petitioner was passed and pension of the petitioner was fixed at Rs.825/- per month as per contents of the said order.	

(पीछे देखिये)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(47)

आदेश पत्रक

मामला क्रमांक ...WP 1884/01... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	(2) Learned counsel for the petitioner submits that the fixation of the pension of the petitioner in sum of Rs.825/-, as contained in Annexure-P/6 is not in accordance with law. He refers to the document Annexure-P/2, which is a pay fixation certificate, in which, the scale and the pay admitted in case of the petitioner has been specifically certified. The contention of learned counsel for the petitioner is that if the calculations are made on the basis of entries made in Annexure-P/2, the pension of the petitioner shall be fixed higher than Rs.825/-, which has been fixed by the respondent authorities vide impugned final fixation order (Annexure-P/6). (3) On the other hand, learned counsel for the respondent - Corporation as well as learned counsel for the State opposes this prayer. Their submission is that the correct calculation has been made in case of the petitioner and a right pension fixation has been made. (4) At this stage, learned counsel for the petitioner makes a limited prayer that this petition be disposed of with a direction that the petitioner should file a detailed representation on the basis of his pay fixation vide Annexure-P/2 before the Corporation and the Corporation should refer his matter to the respondent No.2 – Director, Local Self	

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आदेश पत्रक

मामला क्रमांक ..... WP 1884/01 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Government, Raipur and respondent No.2 be directed to dispose of the representation of the petitioner regarding refixation of his pension within the stipulated period granted by this Court. Learned counsel submits that in fact there is a calculation mistake and if the calculation is made on the basis of entries vide Annexure-P/2, the difference should come out.

(5) This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the Corporation or learned counsel for the State.

(6) In the facts and circumstances of this case the prayer is allowed.

(7) This petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation alongwith a copy of this writ petition and annexures before the respondent No.1 i.e. Municipal Corporation, Rajnandgaon, within a period of one month from today. If such a representation is filed, within the aforesaid period, the Municipal Corporation, on the basis of service records of the petitioner, shall make necessary comments on the grounds raised by the petitioner and

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आदेश पत्रक

मामला क्रमांक ...WP/1884/01 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —५—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

alongwith their comments, the case of the petitioner shall be referred to the Director, Local Self Government, Raipur (respondent No.2). The Corporation will do all this exercise within a further period of two months from the date of receipt of the representation of the petitioner. If the matter is referred to respondent No.2, the respondent No.2 shall try to dispose of the representation as early as possible preferably within a period of four months from the date of receipt of the said representation. A copy of memo regarding sending of representation by respondent No.1 to respondent No.2 shall be sent to the petitioner so that he will know about the status of his case.

(8) With the aforesaid observations/directions this petition stands finally disposed of.

(9) Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Gowri

(पीछे देखिये)

14.9.06